



NEW YORK STATE SENATOR

Timothy M. Kennedy

Kennedy, Ryan Demand NYS Change Arcane Election Law as Would-Be Voters Find Themselves Locked Out of Presidential Primary

TIMOTHY M. KENNEDY April 15, 2016

| ISSUE: **ELECTIONS, VOTING RIGHTS**

Outdated State Law Requires Voters to File Application to Change Party 193 Days Before Primary Election

Kennedy and Ryan Co-Sponsored Legislation Moves Party Change Deadline, Allows Voters to Make Switch Just 25 Days After Filing Paperwork, Brings NY in Line With Other Closed-Primary States

BUFFALO, NY – Senator Tim Kennedy (D-Buffalo) and Assemblyman Sean Ryan (D-Buffalo) stood today with Buffalo resident Maggie Maclean to call on New York State to amend its election law and allow voters to change party affiliation just 25 days after filing paperwork to do so. Currently, any registered voter who wishes to change his or her party enrollment, enroll in a party, or end enrollment in a party must do so at least 25 days before the *previous* general election. As a result, voters who find themselves supportive of a candidate outside their party, and wish to change their affiliation in order to vote for that candidate in the primary election, can be left waiting for that change for months - many times too late. For example, voters looking to change parties in time for New York's Presidential Primary needed to file an application by no later than October 9, 2015- six months before the election.

The Senator's office has received more than a dozen calls in recent months from frustrated Western New Yorkers looking to change parties but unable to do so because they were unaware of New York's current restrictions. One of those voters was Maggie Maclean, a City of Buffalo resident who wanted to change her party registration last month in order to vote in the New York Presidential Primary, but found herself locked out. In response to the concerns of Maggie and others, Senator Kennedy and Assemblyman Ryan have cosponsored Bill S570/A5777, which shortens the registration time requirement from before the previous general election to 25 days prior to any election. This would allow voters much more time to choose a political party that best represents his or her views.

"Stories like Maggie's are unfortunately all too common here in Western New York and New York State- people who want to get out to vote and exercise their right as Americans, but are hampered by arcane election laws that actually hinder voter participation rather than encourage it," said **Senator Tim Kennedy**. "Throughout the election season, voters are often drawn to the person they feel is the best candidate to represent them – but when that candidate is in a separate party, people are forced to jump through hoops to have a voice in a primary election, and many times they end up shut out of the process altogether. At its core, this is a bipartisan issue; it has nothing to do with *who* you're voting for, and everything to do with *how accessible* your right to vote should be."

Assemblyman Sean Ryan said, "Current New York State law makes it very difficult for voters to change their registration, and it's about time we change the law to expand voting participation across the state. Voters often don't start paying attention to an election until voting day approaches. Under current law, those voters are shut out of the Presidential primary if they are not registered in a party. We need to fix this, and we need to create an early voting system, to make it even easier for all voters to participate in New York State elections."

"I recently learned that I can't vote for the presidential candidate of my choice in the primary this year because of a New York State law. After I received my voter's ID card in the mail, I learned that my request to change parties was not granted," said **Buffalo resident Maggie Maclean**. "The law says changing parties had to happen last October. There was no notice about this law, no reminders, nothing posted on the Board of Elections site to provide information to the public. Many people have found out about this the hard way and I think that is very wrong. The elections are about voting for the people we want, and this law stops that from happening."

"It's well past time to fix New York's incredibly restrictive, worst-in-the-nation, voter enrollment law, which can result in being blocked from primary voting for 22 months—as long as the gestation period for an elephant," said **Blair Horner, NYPIRG's Executive Director**. "This obnoxious rule helps party leaders keep an iron grip on the primary selection process and turns off college students and other young voters, sending a clear message that 'your participation is not wanted.'"

New York State is behind the curve in amending the law to streamline the process for voters. In Maine, a voter's change in enrollment takes effect in just 15 days, and in Pennsylvania, voters can change enrollment up to 30 days before a primary. New Jersey even allows registered voters who are not affiliated with a political party to declare their party up to and including Primary Day.

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RELATED LEGISLATION

2015-S570

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
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Relates to procedures for change of enrollment

December 31, 2014

In Senate Committee [Elections](#)

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